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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1951

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UNITED STATES OF AMERICA, Plaintiff, v. **Josue JIMENEZ-Moreno** Defendant.	Magistrate Case No.________ COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(1)(A)(iv)-Inducing and Encouraging Illegal Alien(s) To Enter the United States

The undersigned complainant being duly sworn states:

On or about **June 24, 2008**, within the Southern District of California, defendant **Josue JIMENEZ-Moreno**, did encourage and induce an alien, namely **Julio GUZMAN-Martinez,** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **June, 2008**.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Julio GUZMAN-Martinez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 24, 2008 at approximately 4:15 AM **Josue JIMENEZ-Moreno (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver of a red 1986 Toyota pick-up truck. Defendant was accompanied by one visible male passenger. During inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant gave two negative customs declarations. Defendant presented a Permanent Resident Card bearing the name Santos Arredondo-Peguero as his entry document and stated was going to work in San Diego, California. Defendant then presented a Permanent Resident Card bearing the name Cirilo Moreno-Prado on behalf of the passenger. The CBP Officer suspected the passenger was an impostor to the Permanent Resident Card and subsequently referred the vehicle and its occupants to secondary for further inspection.

In secondary, CBP Officers confirmed Defendant and the male passenger were impostors to the documents presented. Defendant and the male passenger were determined to be citizens of Mexico without legal rights or documentation to enter the United States. The male passenger was retained as a Material Witness and is now identified as **Julio GUZMAN-Martinez (Material Witness)**.

During a video recorded proceeding, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted he is a citizen of Mexico without legal rights or documents to enter the United States. Defendant admitted use of a Permanent Resident Alien Card not lawfully issued to him in an attempt to illegally enter the United States. Defendant also admitted knowledge that the Permanent Resident Alien Card presented on behalf of the passenger was not lawfully issued to Material Witness and was used in attempt to illegally enter into the United States. Defendant stated he was a hired driver and was going to be paid $500.00 USD to smuggle Material Witness into the United States. Defendant stated he was going to deliver Material Witness to a restaurant in San Diego, California.

During a separate video-recorded proceeding, Material Witness admitted he is a citizen of Mexico without legal rights or documents to enter the United States. Material Witness stated he obtained the Permanent Resident Alien Card from an unknown male in Tijuana Mexico. Material Witness stated was going to pay $1,000.00 USD to be smuggled into the United States as a passenger in a vehicle. Material Witness stated he was going to Lawndale, California to seek residency and employment.